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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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TOWN & COUNTRY LINEN, CORP.,	:	(ECF Case -- Filed Electronically)
	:	
Plaintiff,	:	Case No.: 07 CV 3159 - MGC
	:	
- against -	:	<b><u>NOTICE OF MOTION</u></b>
	:	
P/KAUFMANN, INC.,	:	
	:	
Defendant.	:	
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PLEASE TAKE NOTICE, that upon the Affirmation of Michael S. Fischman, dated June 1, 2007, the exhibits annexed thereto, the accompanying Memorandum of Law, dated June 1, 2007, defendant P/Kaufmann, Inc., by its attorneys Phillips Nizer LLP, will move this Court at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007-581 before the Honorable Miriam Goldman Cedarbaum, United States District Judge for the Southern District of New York, for an Order (1) dismissing the action in its entirety for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and (2) to the extent that the Court finds that it has subject matter jurisdiction, dismissing Counts I, III, IV, and V of the Town and Country Linen Corp. ("T&C") Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state claims upon

which relief can be granted, and dismissing Count II of the Complaint pursuant to Rule 9(b) of the Federal Rules of Civil Procedure for failure to plead an essential element of fraud with requisite particularity.

Dated: New York, New York  
June 1, 2007

PHILLIPS NIZER LLP

By: S/Michael Fischman  
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